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EXAMINER

MOE, AUNG SOE

ART UNIT PAPER NUMBER

2612

DATE MAILED: 09/11/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/324,778

Applicant(s)

HYODO, MANABU

Examiner

Aung S. Moe

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 2612

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, **published** under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2612

3. Claims 4, 6, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Cho (U.S. 5,396,287).

Regarding claim 13, Cho '287 discloses a camera (i.e., Figs. 5 and 9; col. 8, lines 15+), comprising: a touch panel (i.e., Figs. 5 and 9; col. 8, lines 35+) that detects continuous changes in a pressure being applied on a surface thereof and outputting a signal indicative of the continuous changes (i.e., as discussed in col. 8, lines 43+ that the continuous changes in the pressure applied to the panel 51 may be detected so that the zooming operation of the camera is changes based on the signal indicative of the continuous changes of the pressure signals outputted by the CPU 18. Moreover, it is cleared from Fig. 9 of Cho '287 that the zooming of the cabin is changed based on the continuous changes of the pressure applied on the touch inputting portion 12 which is detected by the CPU 18 respectively); and

a controller (i.e., the CPU 18) for continuously varying a speed of change of a parameter (i.e., the zooming operation of the camera) base on the signal (i.e., when the pressure is low the magnification is small, and when the pressure is high, the magnification is larger as discussed in col. 8, lines 68+ of Cho '287. Thus, it is cleared that a zoom speed of the camera is capable of continuously varying on the basis of the pressure signal changes detected by the CPU 18; see col. 8, lines 40+, col. ).

Regarding claim 14, Cho '287 discloses wherein said controller continuously accumulates the signal and varies the speed based on the accumulated signal (i.e., as discussed in col. 10, lines 60+ that since the parameters for current shooting operation are calculated by the controller 18

Art Unit: 2612

from the parameters for the preceding shooting operation when the touch inputting portion is pressed again, it is possible to execute a new shooting operation continuously from the preceding shooting operation. In view of this, it is cleared that the controller 18 is capable of accumulating the pressure signals so that the zoom speed may be varied based on the pressure signals accumulated by the controller 18 as claimed).

Regarding claim 6, Cho '287 discloses that the parameter is a zoom operation item in the camera, and the zooming rate of the camera may be changed according to the pressure signal applied to the touch inputting panel 12 which is determined by the controller (18) when performing the zooming (i.e., Fig. 9-12C; col. 8, lines 40+ - col. 9, lines 20+).

Regarding claim 4, Cho '287 discloses an image display that displays the changes in a pressure being applied on a surface of the touch panel (i.e., noted from Figs. 9 & 12A-12C that when the pressure signal applied to the touch inputting panel 12 is changed, e.g., from the low pressure to the high pressure, the magnification of the image is changed and this change is displayed on the display device 10 thereof).

4. Claims 13 and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Ikeda et al. (US 2002/0110354).

Regarding claim 13, Ikeda '354 discloses a camera (Fig. 6) comprising: a touch panel (18a) that detect continuous changes in a pressure being applied on a surface thereof (i.e., as discussed in page 4, paragraph 0076+ that the microprocessor 14 is capable of detecting the

Art Unit: 2612

continuous changes in a pressure when the user is pressed one of the button, e.g., the replay buttons. It is noted that when the replay button or the scrolling button is pressed by the user, the pressure is continuously changes from the non-pressure state to the pressure state) and outputting a signal indicative of the continuous changes (i.e., noted that when the continuous pressure changes are detected by the microprocessor 14, the microprocessor 14 generate the signal to perform the respective operations for the selection item. For example, when the user pressed the scrolling button 49 as shown in Fig. 17, the microprocessor 14 detected the continuous pressure changes and generated the signal to perform the scrolling operation thereof); and a controller (14) for continuously varying a speed of change of a parameter based on the signal (i.e., noted that the replay speed, such that Scroll, Pause, Reverse, and Forward, of the camera parameters are varied based on the signal generated by the microprocessor 14 in response to the continuous pressure changes detected thereby; see pages 4 & 5, paragraphs 0076, 0097, and 0104).

Regarding claim 7, Ikeda '354 discloses an image display for displaying reproduced images (i.e., see Figs. 15-21), wherein the parameter is frame forwarding of the reproduced images (i.e., Fig. 19, the element 66), and the controller (14) changes frame forwarding speed based on the signal (i.e., noted that the replay speed, such that Frame Forward speed, of the camera parameter is changed based on the signal generated by the microprocessor 14 in response to the continuous pressure changes detected thereby; see pages 4 & 5, paragraphs 0076, 0097, and 0104).

Art Unit: 2612

Regarding claim 8, Ikeda '354 discloses an image display for displaying reproduced images (i.e., see Figs. 15-21), wherein the parameter is screen scrolling on the image display (i.e., see Fig. 15, the element 33; noted that the scrolling parameter of the camera is changed based on the signal generated by the microprocessor 14 in response to the continuous pressure changes detected thereby; see pages 4 & 5, paragraphs 0076, 0097, and 0104).

5. Claims 13 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. (U.S. 5,671,014).

Regarding claim 13, Ito '014 discloses a camera (Fig. 1) comprising: a touch panel (11) that detect continuous changes in a pressure being applied on a surface thereof (i.e., as discussed in col. 4, lines 31+ that the microcomputer 3 is capable of detecting the continuous changes in a pressure based on the continuous changes of voltage levels when the user is pressed on the touch panel to select the camera's parameter as shown in Figs. 8-9) and outputting a signal indicative of the continuous changes (i.e., It is noted that when the brightness adjustment or the volume adjustment is pressed by the user, the pressure is continuously changes in response to the changes of the voltages, such continuous changes are detected by the microcomputer 3 and the microcomputer 3 generates the signal indicative of the continuous changes to perform the respect control operations for the camera. For example, when the user pressed the brightness adjustment as shown in Figs. 9A and 9B, the microcomputer 3 detected the continuous pressure changes and generated the signal to perform the brightness adjustment operation thereof); and a controller (3)

Art Unit: 2612

for continuously varying a speed of change of a parameter based on the signal (i.e., noted that the speed, such that Stop, Rewind, Fast Forward and either increasing or decreasing the brightness/volume level, of the camera parameters are varied based on the signal generated by the microprocessor 3 in response to the continuous pressure changes detected thereby; see col. 4, lines 33+ and col. 6, lines 15+).

Regarding claim 9, Ito '014 discloses an image display for displaying images (i.e., col. 2, lines 33+); and the controller (3) changes luminance (i.e., Brightness) of the image display base on the signal (i.e., Fig. 9B; col. 6, lines 25+).

Regarding claim 10, Ito '014 discloses the parameter is volume adjustment at audio reproduction (i.e., Figs. 8 and 9A), and the controller (3) changes the volume at the audio reproduction based on the signal (i.e., col. 6, lines 20+).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.



Art Unit: 2612

7. Claims 1, 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. (US 2002/0110354) in view of Tsuneo et al. (Translation of JP 08-221202).

Regarding claim 1, Ikeda '354 discloses a camera (Fig. 6) comprising: an image display for displaying an image (i.e., Figs. 15-22; Page 3, paragraphs 0057+);

a touch panel (18) for determining a pressure applied on a surface thereof, the touch panel being arranged over the image display (i.e., Fig. 6, the elements' 18 and 19; Page 3, paragraph 0068+ and Page 4, paragraphs 0076+); and

a controller (Fig. 6, the element 14) for controlling operations of the camera according to the pressure determined by the touch panel (i.e., Figs. 15-22; Page 4, paragraphs 0076+ and Page 5, paragraphs 0104+).

Furthermore, it is noted that although Ikeda '354 show the use a controller (14) for detecting the pressure changes for performing a respective control function thereof, Ikeda '354 does not explicitly show the controller performing a first control when the pressure applied on the touch panel is greater than a first predetermined value, and performing a second control when the pressure is greater than a second predetermined value larger than the first predetermined value as recited in the present claimed invention.

However, the above mentioned claimed limitations are well-known in the art as evidenced by Tsuneo '202. In particular, Tsuneo '202 teaches that it is conventionally well-known in the art to use a controller (Fig. 2, the element 20) for performing a different control states based on the changes of the pressure signals detected on the touch panel, thereby

Art Unit: 2612

improving the operability thereof. Furthermore, Tsuneo '202 teaches that the controller (20) is performing a first control (i.e., a selection state) when the pressure applied on the touch panel (24) is greater than a first predetermined value (i.e., noted from Fig. 5 that when the touch strength is greater than zero, then the controller 20 is performing the first control such that a selection state; see paragraphs 0008+ and 0016+), and performing a second control when the pressure is greater than a second predetermined value (i.e., noted from Fig. 5, that when the touch strength is greater than the predetermined value eight, then the controller 20 is performing the second control such that a definite state; see paragraphs 0008+ and 0016+) larger than the first predetermined value (i.e., noted that the second predetermined value "eight" is larger than the first predetermined value "zero" as shown in Fig. 5).

In view of this, having the system of Ikeda '354 and then given the well-established teaching of Tsuneo '202, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ikeda '354 by providing the touch control means as taught by Tsuneo '202, since Tsuneo '202 suggested in paragraph 0030 that such a modification would permit selection decision of the display item can be carried out easily thereby improvement in operability may be realized.

Regarding claim 5, the combination of Ikeda '354 and Tsuneo '202 discloses wherein the image display displays a plurality of operation items (Figs. 15-22 of Ikeda '354); the touch panel determines a position of a touched portion on the surface thereof (i.e., Page 4, paragraphs 0076+ of Ikeda '354); and the controller (14) performs an operation of one of the plurality of operational

Art Unit: 2612

items corresponding to the position of the touched portion determined by the touch panel (Page 4, paragraphs 0078+ of Ikeda '354).

Regarding claim 11, noted that claim 11 is analyzed for the same reason as discussed for claim 1 as above, thus, please see the Examiner's comments with respect to claim 1 above.

8. Claims 1-3 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowno et al. (U.S. 2001/0013897) in view of Tsuneo et al. (Translation of JP 08-221202).

Regarding claim 1, Kowno '897 discloses a camera (Fig. 4) comprising: a display (i.e., the LCD display 6) for displaying an image (i.e., paragraph 0044+);

a touch panel (6A) for determining a pressure applied on a surface thereof, the touch panel being arranged over the image display (i.e., Fig. 4, the elements 39 and 6A; as discussed in paragraphs 0076+ that the CPU 39 is capable of determining a pressure applied on the surface of the touch tablet 6A); and

a controller (Fig. 4, the element 39) for controlling operations of the camera (1) according to the pressure determined by the touch panel (i.e., Figs. 2, 4, 8-9 & 12; page 6, paragraph 0102, 0105+).

Furthermore, it is noted that although Kowno '897 show the use a controller (39) for detecting the pressure changes from the touch tablet 6A for performing a respective control function thereof, Kowno '897 does not explicitly show the controller performing a first control when the pressure applied on the touch panel is greater than a first predetermined value, and

Art Unit: 2612

performing a second control when the pressure is greater than a second predetermined value larger than the first predetermined value as recited in the present claimed invention.

However, the above mentioned claimed limitations are well-known in the art as evidenced by Tsuneo '202. In particular, Tsuneo '202 teaches that it is conventionally well-known in the art to use a controller (Fig. 2, the element 20) for performing a different control states based on the changes of the pressure signals detected on the touch panel, thereby improving the operability thereof. Furthermore, Tsuneo '202 teaches that the controller (20) is performing a first control (i.e., a selection state) when the pressure applied on the touch panel (24) is greater than a first predetermined value (i.e., noted from Fig. 5 that when the touch strength is greater than zero, then the controller 20 is performing the first control such that a selection state; see paragraphs 0008+ and 0016+), and performing a second control when the pressure is greater than a second predetermined value (i.e., noted from Fig. 5, that when the touch strength is greater than the predetermined value eight, then the controller 20 is performing the second control such that a definite state; see paragraphs 0008+ and 0016+) larger than the first predetermined value (i.e., noted that the second predetermined value "eight" is larger than the first predetermined value "zero" as shown in Fig. 5).

In view of this, having the system of Kowno '897 and then given the well-established teaching of Tsuneo '202, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Kowno '897 by providing the touch control means as taught by Tsuneo '202, since Tsuneo '202 suggested in paragraph 0030 that such a

Art Unit: 2612

modification would permit selection decision of the display item can be carried out easily thereby improvement in operability may be realized.

Regarding claim 2, as shown in Figs. 7-12, Kowno '897 discloses that when the user is capable of performing a first control of the camera (1) for an image recording preparation by inputting the line-drawing information while pressing the use of touch tablet 6A (i.e., see page 6, paragraphs 0102-0109), and after such information (i.e., the line-drawing information) entering process is completed, the user is also capable of performing a second control of the camera (1) for recording an image data in the memory 24 by execution key 7B from the touch tablet 6A of the camera 1 (i.e., page 6, paragraphs 0105+ and page 7, paragraphs 0115). Furthermore, the controller (39) is capable of performing the above-mentioned control steps based on the pressure signals detected from the touch tablet 6A (i.e., noted from Figs. 2, 7 and 8 that the controller 39 capable of detecting the pressure changes on the touch tablet 6A when the user may press a corresponding menu keys 7 to enter information and finally the execution key is pressed to recorded the image data and the user's input data respectively).

In view of the above, it is clearly obvious that both the recording preparation process (i.e., line-drawing information and adjusting the magnification of the image) and recording process in the camera system of Kowno '897 are performed based on the pressure values changed when the touch tablet 6A is pressed (i.e., noted that when the touch tablet 6 is pressed by the user, the pressure would change from an initial non-pressed state to the pressed state respectively), and such pressure changes are determined by the controller (39) to performed a respective control

Art Unit: 2612

function thereof(i.e., noted that when the shutter icon 28 is initially touch, the pressure would be obviously less than when the user's finger is slid in the direction of the arrow shown in Fig. 2).

Moreover, Tsuneo '202 also teaches that it is conventionally well-known to use the pressure sensitive touch panel (24) for changing the operation's functions based on the determination of the pressure change (i.e., see the Abstract of Tsuneo '202). In particular, Tsuneo '202 teaches that the operation state (Fig. 2, the camera 1) may be changed based on the amount of pressure applied on the pressure sensitive touch-panel (24) is changed from lightly depressed to strongly depressed (i.e., paragraph 0008-0009 and 0021+).

In view of the above, the combination of Kowno '897 and Tsuneo '202 clearly suggested that it is conventionally well-known in the art to use a pressure sensitive touch panel to control the recording preparation process (i.e., inputting line-drawing information/zoom adjusting information as disclosed in Kowno '897) and the recording process (i.e., when the user pressed on the touch sensitive key 7B for recording the user's input data and the image data in the recording medium 24 as disclosed in Kowno '897) based on the different pressure values are determined by the controller so that selection decision of the display item can be carried out easily as suggested by Tsuneo '202 (i.e., see paragraph 0030 of Tsuneo '202).

Regarding claim 3, the combination of Kowno '897 and Tsuneo '202 shows wherein the touch panel determines a position of a touch portion on the surface thereof (i.e., see Figs. 2, 7 and 8 of Kowno '897); and the controller (39) adjusts at least **one of** a focus and an exposure of the camera with respect to a principal subject corresponding to the position of the touch portion

Art Unit: 2612

determined by the touch panel (i.e., noted from Fig. 8-12 of Kowno '897 that the focal length of the shooting lens 3 is adjust based on the magnification information of the shot image inputted by the user via the touch tablet 6A. For example, as shown in Figs. 8-9 that when the image is zoom-in, the controller 39 is adjusting a focus of the shot image with respect to a principal subject corresponding to the position of the touched portion determined by the touch tablet 6A).

Regarding claims 11-12, please see the Examiner's comments with respect to claims 1 and 2.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Goto '419 and Kitsugi '353 shows a camera having a touch sensor and the control unit thereof.

b. Gillespie '671 and Martinelli '790 shows a display device with touch pressure capability thereof.

c. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2612

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. **Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or Faxed to:**

**(703) 872-9314**, (for formal communications; please mark **“EXPEDITED PROCEDURE”**; and for informal or draft communications, please label **“PROPOSED”** or **“DRAFT”**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).




Art Unit: 2612

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Aung S. Moe** whose telephone number is (703) 306-3021. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application should be directed to the customer service number (703) 306-0377.

A. Moe



**AUNG MOE**  
**PRIMARY EXAMINER**

September 5, 2003